SUPREME COURT, U. S.

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IN THE

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1968.

No. 779

WILLIE GRAY GARRISON,
Petitioner,

v.

STATE OF ALABAMA,
Respondent.

PETITION FOR A WRIT OF CERTIORARI

To the Court of Appeals of Alabama.

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To the Court of Appeals of Alabama.

Petitioner respectfully prays that a writ of certiorari issue to review the judgment of the Court of Appeals of the State of Alabama entered in this case on March 12, 1968.

OPINIONS BELOW.

The opinions below are as follows: Garrison v. State, ... Ala. App. ..., 213 So. 2nd 369. And Garrison v. State, ... Ala. ..., 213 So. 2nd 374. They are set forth in Appendices A and B respectively.

JURISDICTION.

The judgment of the Court of Appeals of Alabama was entered on March 12, 1968. A timely application for rehearing was denied on April 16, 1968. A timely petition

for a writ of certiorari to the Court of Appeals was filed in the Supreme Court of Alabama on May 1, 1968. A petition for a writ of certiorari to the Court of Appeals was denied by the Supreme Court of Alabama on July 18, 1968. A timely application for rehearing before the Alabama Supreme Court was denied on August 29, 1968. The jurisdiction of this Honorable Court is invoked under Section 1257 of Title 29, U. S. C.

QUESTION PRESENTED.

Whether a selection of the jury, jury roll and petit jury whereby citizens of the female sex were intentionally, arbitrarily, systematically and statutorially excluded from the grand and petit juries under the provisions of Title 30, Sections 20 and 21 of the Code of Alabama, 1940, as recompiled, 1958, was a denial to the petitioner of his rights under the due process clauses of the 5th and 14th Amendments and the equal protection of the laws guaranteed to him by the 14th Amendment to the Constitution of the United States of America?

CONSTITUTIONAL PROVISIONS AND STATUTES.

Fifth Amendment.

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence (sic) to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, with (sic) just compensation.

Fourteenth Amendment.

SECTION 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Title 30, Section 20, Code of Alabama.

Jury roll and cards.—The jury commission shall meet in the court house at the county seat of the several counties annually, between the first day of August and twentieth day of December, and shall make in a well bound book a roll containing the name of every male citizen living in the county who possessed the qualifications herein prescribed and who is not exempt by law from serving on juries. The roll shall be arranged alphabetically and by precincts in their numerical order and the jury commission shall cause to be written on the roll opposite every name placed thereon the occupation, residence and place of business of every person selected, and if the residence has a street number it must be given. Upon the completion of the roll the jury commission shall cause to be prepared plain white cards all of the same size and texture and shall have written or printed on the cards the name, occupation, place of residence and place of business of the person whose name has been placed on the jury roll; writing or printing but one person's name, occupation, place of residence and of business on each card. These cards shall be placed in a substantial metal box provided with a lock and two keys, which box shall be kept in a safe or vault in the office of the probate judge, and if there be none in that office, the jury com-